THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.14607 of 2006

Date:21.03.2007

Between:

Mohd.Ghouse Bhasha

.. PETITIONER

AND

The Commissioner and Inspector General
of Registration and Stamps and others.

..RESPONDENTS

ORDER:

The petitioner is an Advocate. He was appointed as a notary by the competent authority on 05.02.1991. The same was being renewed from time to time up to 05.02.2002. For one reason or the other, the petitioner did not take steps for renewal of the notary certificate before the same expired on 05.02.2002. It was only on 11.08.2005 that he submitted an application for renewal. Through the letter, dated 14.06.2006, the first respondent informed the petitioner that since his notary certificate was not renewed beyond 05.02.2002, his name was removed from the Notaries Register as per Section 10 of the Notaries Act, 1952. The petitioner challenges the same in this writ petition and seeks a direction to the first respondent to renew the notary certificate.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The Notaries Act and the Rules made thereunder prescribe the procedure for issuance of a notary certificate to a practising advocate and renewal thereof. On finding that the petitioner possesses the requisite qualifications, he was issued a notary certificate on 05.02.1991. The petitioner sought for renewal of the certificate regularly up to 05.02.2002. However, he did not seek any renewal beyond that date and after lapse of three years, he submitted an application on 11.08.2005 for renewal. The very concept of renewal presupposes the earlier certificate being in force by the time the request was made. Since the petitioner did not have renewal beyond 05.02.2002, he ceases to be a notary from that date. Section 10 of the Notaries Act mandates that the names of such of the notaries whose certificate is not renewed must be deleted from the Notaries Register. The petitioner was informed of this fact through the impugned letter. No exception can be taken to it.

The request of the petitioner for renewal of the notary certificate cannot be considered at this stage, in view of the expiry of the same on 05.02.2002. If the petitioner is so advised, he can seek fresh appointment as notary in accordance with the Notaries Act and the Rules made thereunder.

Hence, the writ petition is disposed of, leaving it open to the petitioner file an application for grant of notary certificate afresh in accordance with law. There shall be no order as to costs.

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21.03.2007

kdl